

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS**

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|----------------------|---|--------------------------------|
| CREIGHTON GSELL, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | Civil Action No. 08 CV 1670 JH |
| |) | |
| ESTES EXPRESS LINES, |) | |
| |) | |
| Defendant. |) | |

DEFENDANT’S MOTION TO DISMISS

NOW COMES Defendant, Estes Express Lines (“Estes”), by and through its attorneys, Jill A. Cheskes and Ruth E. Robinson of SmithAmundsen, LLC, and moves the Court for dismissal of this action with prejudice pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, on the grounds that Plaintiff’s Complaint fails to state any claim upon which relief may be granted. In support of this Motion, Estes refers to the attached memorandum of law.

This the 25th day of March, 2008.

/s/Jill A. Cheskes

/s/ Ruth E. Robinson

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